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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,704	08/07/2001	Peter Malcolm	112634.120	2337
28089	7590	01/06/2005	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP 399 PARK AVENUE NEW YORK, NY 10022			ELISCA, PIERRE E	
		ART UNIT	PAPER NUMBER	
		3621		

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/923,704	MALCOLM, PETER
	Examiner	Art Unit
	Pierre E. Elisca	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-46,114-157,178-261,304-353,377-418,438-460 and 476-585 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-46,114-157,178-261,304-353,377-418,438-460 and 476-585 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. This Office action is in response to Applicant's election filed on 10/29/2004.
2. Claims 1-46, 114-157, 178-261, 304-353, 377-418, 438-460, and 476-585.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-46, 114-157, 178-261, 304-353, 377-418, 438-460, and 476-585 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shwed et al (U.S. Pat. No. 5,835,726).

As per claims 10-46, 114-157, 178-261, 304-353, 377-418, 438-460, and 476-585 Shwed discloses a system/method for securing the flow of and selectively modifying packets in a computer network by controlling the inbound and outbound, the system comprising:

A plurality of workstations adapted for connection to a computer network, each workstation having a memory (see., figs 1 and 2, abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

A data repository arranged to receive data from each of said workstations (see., abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

An application stored in said memory of each workstation for transmitting outbound data to said network and receiving inbound data from said network (see., figs 13 –15, abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67);

Policy data containing rules defining relevant data which is to be stored in said data repository (see., col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67); and

An analyzer, said analyzer being operable in conjunction with said policy data to monitor at least one of said outbound data and said inbound data, to identify in at least one of said outbound data and said inbound data, relevant data that is to be stored in said data repository in accordance with said rules in said policy data, and to cause said relevant data to be stored in said data repository (see., abstract, col 3, lines 8-67, col 4, lines 1-44, col 9, lines 1-67, col 10, lines 1-67).

As per claim 2, Shwed discloses the claimed limitation wherein said relevant data that is to be stored in said data repository is encrypted prior to it being transmitted to said data repository (see., figs 13-15, col 11, lines 25-67, col 12, lines 1-67, col 13, lines 1-28).

As per claim 3, Shwed discloses the claimed limitation wherein said relevant data that is stored in said data repository is encrypted (see., figs 13-15, col 11, lines 25-67, col 12, lines 1-67, col 13, lines 1-28).

As per claim 4, Shwed discloses the claimed limitation wherein said computer network, to which said one or more workstations are adapted for connection, is the Internet (see., figs 1 and 2).

As per claim 9, Shwed discloses the claimed limitation wherein said analyzer is operable to identify, as relevant data, digital certificates contained in at least one of said outbound or said inbound data or used to digitally sign signed data in said inbound data or said outbound data, or sufficient descriptive data to identify such digital certificates, said digital certificates and/or said descriptive data being stored in said data repository (see., abstract, lines 21-30).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Pierre Eddy Elsca**

**Primary Patent Examiner**

**January 03, 2005**